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BOOK 250 PAGE 276

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FEB 24 1998

Jim Lister
RECORDER MONROE CO., IN

803078

AMENDED DECLARATION

OF

**COURTYARD AT WATER'S EDGE II CONDOMINIUM
PHASE II EXPANSION**

Filed for Record 2-24, 1998
Recorded in Misc. Book 250,
In the Office of the Recorder
of Monroe County, Indiana
Instrument Number 803078

Consisting of 12 Pages,
Numbered 1 through 11
and
Exhibits to

Prepared By:
Philip H. Chamberlain
Attorney at Law
9139 Front Nine Drive
Bloomington, IN 47401
812-824-9244

**AMENDED
DECLARATION
OF
COURTYARD AT WATER'S EDGE II CONDOMINIUM
PHASE II EXPANSION**

THIS DECLARATION OF CONDOMINIUM, and the exhibits which are hereto executed this 23rd day of February, 1998, by the Declarant, Courtyard Development Inc., and its successors, grantees and assigns, pursuant to the provisions of the Indiana Horizontal Property Act and in accordance with the terms and provisions of paragraph #29 of the original Declaration of Expandable Condominium for Courtyard at Water's Edge II duly filed for record on the 12th day of December, 1995, as Instrument No. #518261, in Miscellaneous Record Book #236 at pages 586 through 643, all in the Office of the Recorder of Monroe County, Indiana.

STATEMENT OF PURPOSES

By Declaration of Expandable Condominium dated December 12th, 1995, and recorded on December 12th, 1995, in the Office of the Recorder of Monroe County, Indiana (hereinafter referred to as the "Declaration"), the original Declarant submitted certain real property to the provisions of the Horizontal Property Act of the State of Indiana, and created the condominium form of ownership with respect to its initial multi-unit residential building located on the real property described therein, said property containing an aggregate of six (6) separate units, all more particularly described in paragraph #5 of said original Declaration. Under the terms of the Declaration, the Declarant reserved the right to annex certain real property designated as the "expansion area" and to amend the original Declaration and thereby add additional or new units to said Condominium. The Declarant now wishes to add to the "present condominium area" the real property described in paragraph #2 of this Amended Declaration for the purpose of including garage units that have been constructed thereon, which such real estate is presently a part of the "expansion area" referred to in the Declaration, thereby adding new units and now new common areas and facilities to the existing units and existing common areas and facilities created by the original Declaration.

THEREFORE, the Declarant, for the purposes hereinafter set forth, hereby submits the real estate described in paragraph #2 of this Amended Declaration, pursuant to the provisions set forth in paragraph #29 of the original Declaration hereinabove described, and in accordance with and by means of the powers therein reserved or conferred upon the Declarant, hereby amends and/or supplements said original Declaration in the following material respects:

1. Definitions. The definitions used and set forth in the original Declaration shall be applicable to this Amended Declaration provided: (i) the term "property" or "condominium property" shall for all purposes now be deemed to include and refer to the real property hereby added as Phase II and (ii) references to units and common areas and

facilities shall include the new garage units and its common areas and facilities as described and set forth herein.

2. Declaration. The Declarant hereby expressly declares that the real property described in and identified on *Exhibit A* hereto attached, and the building and other improvements erected thereon, and all articles of personal property intended for common use in connection therewith, shall be and are hereby annexed to and shall now become a part of the Courtyard at Water's Edge II Condominium as if such had been included in the original Declaration. Further, these new garage units shall hereafter be held, transferred, sold and occupied subject to the covenants, restrictions and provisions of the original Declaration, this Amended Declaration, the Act, the Bylaws, and any rules and regulations as adopted from time to time in connection with the condominium property, and as may be amended from time to time. Said Amended Declaration and the attached *Exhibits* further are now incorporated herein by reference and are made a part hereof as though fully set out herein.

3. Description of Phase I and Phase II Property. Paragraph #4 of the original Declaration is hereby amended so that henceforth the condominium property shall consist of the aggregate of the Phase I and Phase II property. The composite description of the Phase I and Phase II real property is described and identified in *Exhibit B* hereto attached and incorporated in this Amended Declaration.

4. Descriptions of Buildings. Paragraph #5 of the original Declaration is hereby amended to reflect the addition of one building with various separate garage units as herein set forth:

Phase II of Courtyard at Water's Edge II Condominium shall consist of one (1) multi-unit garage building. The building is shown on the Master Site Plan, a copy of which is hereto as *Exhibit C*. The Master Site Plan shows the location of Phase II and the location of the building on the real property described in the attached *Exhibit A*. *Exhibit A* describes the property constituting Phase II of the Courtyard at Water's Edge II Condominium, and the floor elevations of the garage units. This building contains six (6) garage units of the following two distinct floorplan types:

GU-S= 210 sq. ft., 1 story garage
GU-L= 252 sq. ft., 1 story garage

The number of stories in the building, the number of garage units, the type of garage units are as follows:

<u>Number of Garage Units by Type</u>	<u>Total Garage Units in Building</u>	<u>Basement</u>	<u>Stories</u>
4---GU-S	4	No	1
2---GU-L	2	No	1

The building and its garage units are more particularly described and defined in the plans and specifications of said building, a copy of said plans and specifications is hereto attached as *Exhibit D*. *Exhibit D* shows all particulars of the building, including the layout, number of stories, the location, building designation, new unit numbers and dimensions of the garage units.

5. Description of Units/Percentage Interest in Common Areas and Facilities.

Paragraph #6 of the original Declaration is hereby amended to reflect the addition of the new garage units and its new common area and facilities in the manner set forth below:

The unit designations of the existing condominium units, and the new garage units, the approximate area, and other data concerning its proper identification are set forth in *Exhibit E* hereto attached. The percentage interest of each unit (both existing common areas and facilities and new common areas and facilities) is based upon the adjusted square footage of each condominium and garage unit (both the existing units and new garage units), as shown on *Exhibit E* and in relationship to the total adjusted square footage of both Phase I and Phase II properties combined. The percentage interest appurtenant to both Phase I and Phase II is based upon the aggregate of all of the units and the aggregate of the combined common areas and facilities, as further specified on *Exhibit E*.

The percentage interest in the aggregate common areas and facilities is calculated on the basis set forth in paragraph #6 and paragraph #29(b) of the original Declaration, and its realization shall be accomplished upon the execution and recordation of this Amended Declaration of Courtyard at Water's Edge II Condominium.

The new garage units hereby added shall be designated for the purposes of identification in connection with all conveyances of the same as being a part of "Courtyard at Water's Edge II Condominium Phase II".

6. Acceptance and Ratification. The acceptance of a deed of conveyance, or the act of occupancy of any unit, whether existing units or the new garage units shall constitute an agreement that the provisions of this Amended Declaration, the original Declaration,

the Act, the Bylaws, and any rules and regulations adopted pursuant thereto, as each may be amended from time to time, are hereby accepted and ratified by such owner, tenant or occupant. Such provisions shall be covenants running with the land and shall bind any person who at any time obtains any interest or estate in any existing unit, a garage unit or the condominium property as if such provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease thereof.

7. Floor Plans. The plans and specifications setting forth the layout, location, identification number, building and dimensions for the new garage units on the property identified in this Amended Declaration are hereby incorporated into the original Declaration, and shall be added to the plans previously filed with the original Declaration, now on file in the Office of the Recorder of Monroe County, Indiana in Envelope No. B137.

8. Use Restriction. The units created by this Amended Declaration are restricted to use as a nonresidential garage structure.

IN WITNESS WHEREOF, Declarant has caused this Amended Declaration to be executed the day and year first written above.

DECLARANT

**COURTYARD AT WATER'S EDGE II
PHASE I & II**

By: Philip H. Chamberlain
Philip H. Chamberlain, President

State of Indiana)
) SS:
County of Monroe)

Subscribed and sworn to before me, a Notary Public in and for said county and state, this 27th day of February, 19 98, at which time Philip H. Chamberlain, known to me to be the President of Courtyard Development, Inc., personally appeared and acknowledged the execution of the above and foregoing Declaration to be a voluntary act and deed.

My Commission Expires:
5/13/01

Catalina B. Bruce
Notary Public
Catalina B. Bruce
Printed Name

A resident of Monroe County

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EXHIBIT A

TO

**DECLARATION OF CONDOMINIUM FOR
COURTYARD AT WATER'S EDGE II PHASE II**

GARAGE BUILDING

A part of the Northeast Quarter of the Southwest Quarter of Section 22, Township 7 North, Range 1 West, Monroe County, Indiana, and being more particularly described as follows:

COMMENCING at a 5/8" rebar found at the southeast corner of Courtyard at Water's Edge II (HB, Envelope 137); thence on the south line of Courtyard at Water's Edge II SOUTH 89 degrees 25 minutes 05 seconds West 67.66 feet to a 5/8" rebar found at the POINTE OF BEGINNING; thence SOUTH 89 degrees 25 minutes 05 seconds West 89.35 feet; thence NORTH 22 degrees 14 minutes 09 seconds East 35.50 feet; thence NORTH 69 degrees 19 minutes 10 seconds West 1.51 feet; thence NORTH 20 degrees 40 minutes 50 seconds East 21.00 feet; thence SOUTH 69 degrees 19 minutes 10 seconds East 2.08 feet; thence NORTH 22 degrees 14 minutes 09 seconds East 10.70 feet; thence SOUTH 70 degrees 19 minutes 13 seconds East 67.84 feet; thence SOUTH 00 degrees 00 minutes 00 seconds West 38.54 feet to the Pointe of Beginning, containing 0.10 acres, more or less.

TO

**DECLARATION OF CONDOMINIUM FOR
COURTYARD AT WATER'S EDGE II PHASE II**DESCRIPTION FOR
COURTYARD AT WATER'S EDGE 2
JOB NUMBER 1978

A part of Section 22, Township 7 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

COMMENCING at an existing stone marking the northeast corner of the Southwest Quarter of sold section; thence NORTH 89 degrees 46 minutes 58 seconds West along the north line of sold Southwest Quarter section 9.76 feet to an intersection with a non-tangent curve, said intersection being on the easterly boundary of Woodridge, Phase IV (Horizontal Plat Book 2, Page 65), the radius point of said curve being NORTH 76 degrees 32 minutes 47 seconds East 90.00 feet from said intersection, said curve has a central angle of 01 degree 22 minutes 51 seconds; thence southerly along said curve 2.17 feet to a tangent line; thence SOUTH 14 degrees 50 minutes 04 seconds East 37.88 feet; thence NORTH 75 degrees 09 minutes 56 seconds East 136.96 feet to the westerly line of Parcel VI of the Pointe Golf Course (DR 292, PGS 484-485); thence the next three courses being along said westerly line: SOUTH 15 degrees 58 minutes 27 seconds East 148.89 feet; thence 2, SOUTH 53 degrees 07 minutes 48 seconds West 45.00 feet to the POINT OF BEGINNING of the herein described tract; thence 3, SOUTH 08 degrees 21 minutes 16 seconds East 174.07 feet; thence SOUTH 89 degrees 25 minutes 05 seconds West 67.66 feet; thence SOUTH 89 degrees 25 minutes 05 seconds WEST 89.35 feet; thence NORTH 22 degrees 14 minutes 09 seconds East 35.50 feet; thence NORTH 69 degrees 19 minutes 10 seconds West 1.51 feet; thence NORTH 20 degrees 40 minutes 50 seconds East 21.00 feet; thence SOUTH 69 degrees 19 minutes 10 seconds East 2.08 feet; thence NORTH

EXHIBIT C

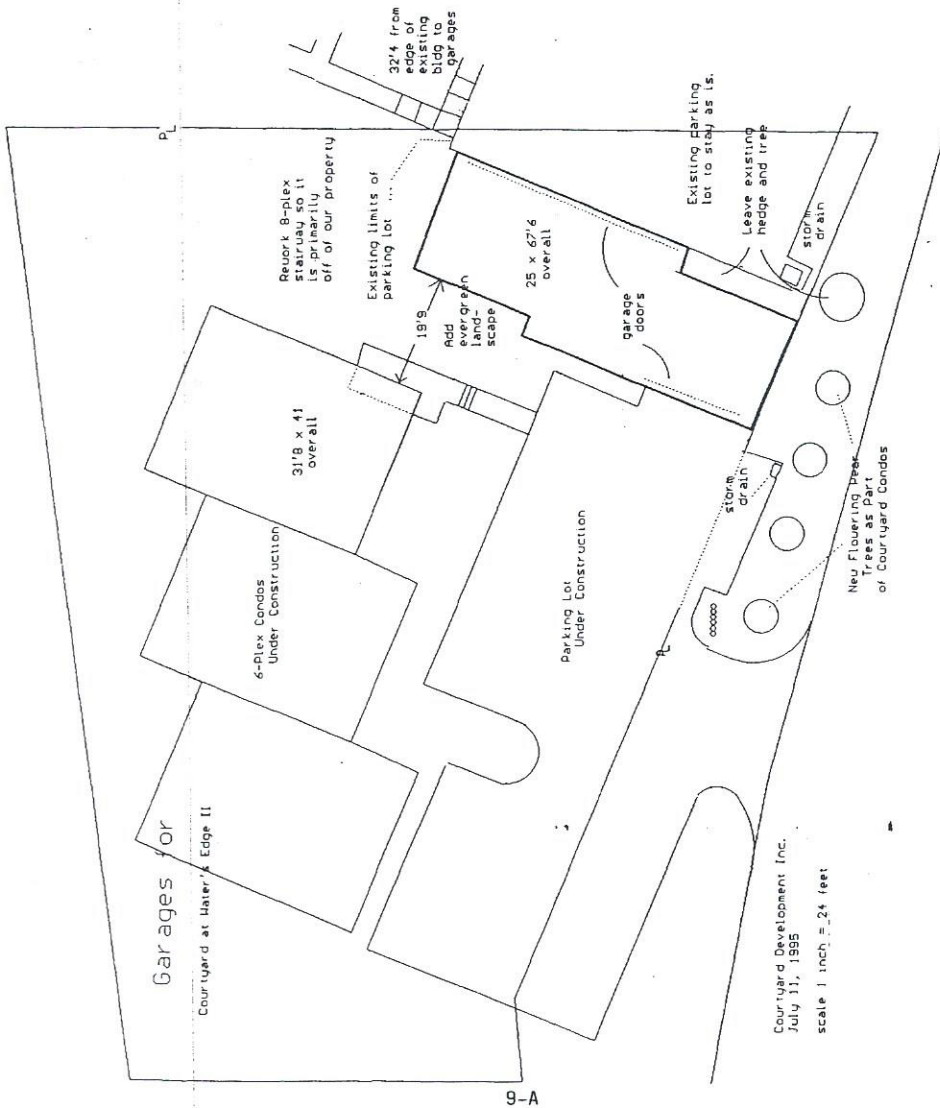
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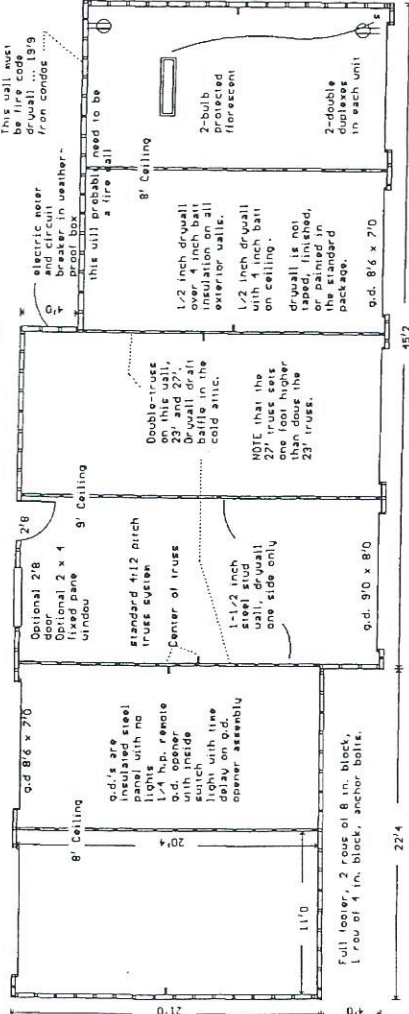
**DECLARATION OF CONDOMINIUM FOR
COURTYARD AT WATER'S EDGE II PHASE II**

Master Site Plan

The plat survey for Courtyard at Water's Edge II Phase II dated December 22nd, 1995, prepared by Jess A. Gwinn, a Registered Land Surveyor, and consisting of one sheet, which was attached to this Amended Declaration at the time it was filed for record is duly filed in the Office of the Recorder of Monroe County, Indiana in Horizontal Property Plan Cabinet Number C, Envelope No. 238, as Instrument Number 800769. Said Master Site Plan is incorporated herein by reference as though fully set out herein.



Garages for the Courtyard at Water's Edge II

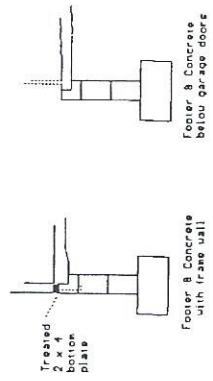


Courtyard Development, Inc.

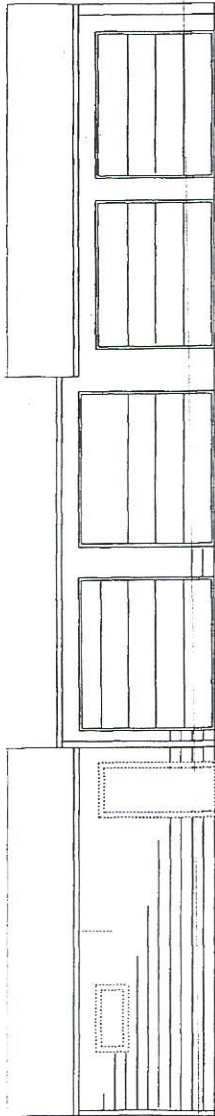
July 11, 1995

Scale 1 inch = 108 inches

One foot overhang on north and south walls, flush on east, west, and 4' walls. Concrete aprons between garage doors and existing parking lot surfaces. If



- Overlapped edges items:
 - 1/2 inch sheath
 - 2x4
 - Epoxy floor paint
 - 2x4 steel walk door
 - 2x4 fixed pane window
 - Steel stud partition insulated on both sides
 - Steel stud partition insulated with 1-1/2 inch rigid foam

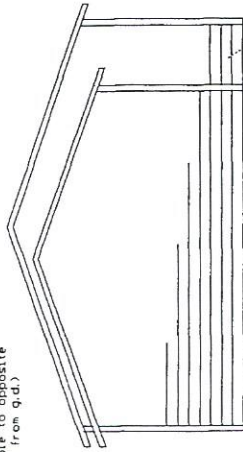


SOUTH ELEVATION (B-Plex Side)

Optional window
Optional walk door
(applicable to opposite
side from q.d.)

Garages for The Courtyard at Water's Edge II

Courtyard Development Inc.
July 11, 1995
scale 1/8" = 8' feet



WEST ELEVATION (Street Side)
Identical to East Elevation

Exterior is 8 inch lapbed
Composite shingle to match the
Water's Edge II motif.
Roof is composite shingle
to match Courtyard.

Landscape Area:
Existing hedge on S-W corner,
Evergreen shrubs on N-E

EXHIBIT E
TO
DECLARATION OF CONDOMINIUM FOR
COURTYARD AT WATER'S EDGE II PHASE II

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<u>Unit Designation</u>	<u>Floor Plan</u>	<u>Square Footage</u>	<u>Percentage Interest</u>	<u>Street Address</u>	
1	2-CWE-L	1007	13.6340	9601 Lake Ridge	
2	2-CWE-U	1007	13.6340	9605 Lake Ridge	
3	2-CWE-L	1007	13.6340	9607 Lake Ridge	
4	2-CWE-U	1007	13.6340	9611 Lake Ridge	
5	2-CWE-L	1007	13.6340	9613 Lake Ridge	
6	2-CWE-U	1007	13.6340	9617 Lake Ridge	
1	GU-S	210	2.8430	N/A	
2	GU-S	210	2.8430	N/A	
3	GU-L	252	3.4120	N/A	
4	GU-L	252	3.4120	N/A	
5	GU-S	210	2.8430	N/A	
6	GU-S	210	2.8430	N/A	
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12 Units		7,386 sq. ft.	100%		